

B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS JEAN CARLOS SEGURA	DEFENDANTS Department of Education			
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) COMPLAINT TO DETERMINE THE DISCHARGEABILITY OF STUDENT LOAN UNDER THE 'UNDUE HARDSHIP' PROVISION SET OUT IN 11 U.S.C. § 523(A)(8)				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought				

B1040 (FORM 1040) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR JEAN CARLOS SEGURA		BANKRUPTCY CASE NO.
DISTRICT IN WHICH CASE IS PENDING DISTRICT OF NEW JERSEY	DIVISION OFFICE NO DIVISION	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF NEW JERSEY**

In re:)	Chapter 7
)	
Jean Carlos Segura,)	Bankruptcy Case:
)	
Debtor)	
)	
Jean Carlos Segura,)	Honorable:
)	
Plaintiff)	
)	
v.)	
)	
UNITED STATES DEPARTMENT OF)	
)	
EDUCATION,)	
)	
Defendant)	

Complaint to Determine Dischargeability of Student Loan

1. I, Jean Carlos Segura, bring this action, pro se, for the discharge of my federal student loan debt under the "undue hardship" provision set out in 11 U.S.C. §523(a)(8).
2. I filed a Chapter 7 Bankruptcy. This Court thus has jurisdiction over this action under 28 U.S.C. §1334. This proceeding is a core proceeding. I consent to the entry of final orders of judgment by the Bankruptcy Court in this matter.
3. These student loans, in their original amounts of \$1250, \$667, \$5366, \$1751, \$2250, \$2762, \$2149, \$1167, \$1167, \$3200, \$3500, \$450, \$634, and \$217, were incurred to pay tuition at Southern New Hampshire University to obtain a degree in Criminal justice , Bergen Community College to obtain a degree in Criminal Justice, Berkeley College to obtain a degree in Criminal Justice, Passaic County Community College to obtain a degree in Criminal justice, Eastern Gateway Community College to obtain a degree in Homeland security, and Des Moines Area Community College to obtain a degree in Homeland, security. I did not complete the degree in Criminal justice at Southern New Hampshire University. I withdrew from the Criminal justice program at Southern New Hampshire University. I did not complete the degree in Criminal Justice at Bergen Community College. I withdrew from the

Criminal Justice program at Bergen Community College. I did not complete the degree in Criminal Justice at Berkeley College. I withdrew from the Criminal Justice program at Berkeley College. I did not complete the degree in Criminal justice at Passaic County Community College. I withdrew from the Criminal justice program at Passaic County Community College. I did not complete the degree in Homeland security at Eastern Gateway Community College. I withdrew from the Homeland security program at Eastern Gateway Community College. I did not complete the degree in Homeland, security at Des Moines Area Community College. I withdrew from the Homeland, security program at Des Moines Area Community College.

4. My income is insufficient to meet my basic living expenses and pay back my student loan debt, as shown on Schedules I and J filed in this case.

5. Future Inability to Repay Student Loans:

The court should presume that I will remain unable to repay my student loan debt in accordance with the presumption of hardship criteria outlined on page 9, section B of the "Departmental Guidance Regarding Student Loan Bankruptcy Litigation." This presumption is based on my experience of the hardships listed below.

- I. I have failed to obtain a degree for which the loan(s) were procured (Student Loan Discharge Guidance IV.B.4)

6. I have demonstrated good faith with regard to repayment of my student loan debt.

- I. The loan identified as "DIRECT STAFFORD SUBSIDIZED - Southern New Hampshire University - *****2409S17G02580001" was in forbearance for 75 months.

The loan identified as "DIRECT STAFFORD UNSUBSIDIZED - Southern New Hampshire University - *****2409U17G02580001" was in forbearance for 75 months.

The loan identified as "DIRECT CONSOLIDATED UNSUBSIDIZED - SCHOOL CODE FOR CONSOLIDATION LOANS - *****2409U15G77778102" was in forbearance for 84 months.

The loan identified as "DIRECT STAFFORD SUBSIDIZED - Bergen Community College - *****2409S17G04736001" was in forbearance for 75 months.

The loan identified as "DIRECT CONSOLIDATED SUBSIDIZED - SCHOOL CODE FOR CONSOLIDATION LOANS - *****2409S15G77778102" was in forbearance for 84 months.

The loan identified as "DIRECT STAFFORD UNSUBSIDIZED - Bergen Community College -

*****2409U16G04736001" was in forbearance for 75 months.

The loan identified as "DIRECT STAFFORD SUBSIDIZED - Berkeley College -

*****2409S09G07502001" was in forbearance for 1 months.

The loan identified as "DIRECT STAFFORD UNSUBSIDIZED - Bergen Community College -

*****2409U16G04736002" was in forbearance for 75 months.

The loan identified as "DIRECT STAFFORD SUBSIDIZED - Bergen Community College -

*****2409S16G04736001" was in forbearance for 75 months.

The loan identified as "DIRECT STAFFORD UNSUBSIDIZED - Berkeley College -

*****2409U09G07502001" was in forbearance for 1 months.

The loan identified as "DIRECT STAFFORD UNSUBSIDIZED - Bergen Community College -

*****2409U17G04736001" was in forbearance for 75 months.

The loan identified as "DIRECT STAFFORD UNSUBSIDIZED - Berkeley College -

*****2409U09G07502002" was in forbearance for 1 months.

II. I have been on a student loan repayment program.

III. I have made good faith efforts to obtain and maintain employment in addition to maximizing income and minimizing expenses in order to pay as much as possible toward my student loan debt.

7. Some of the unsecured debts I owe and listed in Schedule E/F are student loans owing to Defendant, the Department of Education. With accumulated interest, Defendant claims that the amount that was owed on the student loans when this case was filed was \$26226.760000000002.

8. The Defendant, the Department of Education, is responsible for the overall operation of the guaranteed federal student loan program.

WHEREFORE, I, the Debtor, request that this Court enter an Order declaring my student loan debt to be dischargeable in this case.

Date: _____

Respectfully filed,

Jean Carlos Segura

Pro Se Plaintiff

402 Main Avenue, Clifton, NJ 07014

jean.segura02@gmail.com

B2500A (Form 2500A) (12/15)

United States Bankruptcy Court
NEW JERSEY District Of NJ

In re JEAN CARLOS SEGURA,
Debtor

Case No. _____

Chapter 7

JEAN CARLOS SEGURA
Plaintiff

 \mathbf{y}_i

Adv. Proc. No. _____

United States Department of Education,
Defendant

SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of the clerk: MARTIN LUTHER KING, JR. FEDERAL
BUILDING AND UNITED STATES COURTHOUSE
50 WALNUT STREET
NEWARK, NJ 07102

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney: JEAN CARLOS SEGURA (PRO SE PLAINTIFF)
402 MAIN AVENUE, CLIFTON, NJ 07014
JEAN.SEGURA02@GMAIL.COM

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

_____ (Clerk of the Bankruptcy Court)

Date: _____ By: _____ (Deputy Clerk)



Signature and/or Date Required on Next Page

Remove this page and do NOT file it with the Court

B2500A (Form 2500A) (12/15)

CERTIFICATE OF SERVICE

I, JEAN CARLOS SEGURA (name), certify that service of this summons and a copy of the complaint was made _____ (date) by:

☒ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

See attached service list.

☐ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

Service List

United States Attorney's Office

Attn: Civil Division for U.S. Department of Education
970 Broad St
7th Floor
Newark, NJ 07102

Attorney General of the United States

Department of Justice, Room B-103
950 Pennsylvania Ave NW
Washington DC 20530-0001

United States Department of Education

Attn: General Counsel
400 Maryland Avenue, SW
Washington, DC 20202

Office of the United States Trustee

One Newark Center
1085 Raymond Boulevard
Suite 2100
Newark, NJ 07102